

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:

HOWARD WAYNE FINCH  
SHARON KAY FINCH  
6516 LONGVIEW DRIVE  
MURFREESBORO, TN 37129

SSN XXX-XX-1677      SSN XXX-XX-9699

08-05983-KL3-13

JUDGE KEITH M LUNDIN

Date: 07/24/13

**THE DEADLINE FOR FILING A TIMELY RESPONSIVE STATEMENT IS 08/14/13.**

**IF A STATEMENT OPPOSING THE TRUSTEE'S NOTICE OR MOTION IS TIMELY FILED, THE HEARING DATE WILL BE: 09/04/13 AT 8:30 AM CUSTOMS HOUSE, COURTROOM 1, 701 BROADWAY, 2ND FL, NASHVILLE, TN , 37203.**

**TRUSTEE'S NOTICE OF FINAL CURE PAYMENT PURSUANT TO RULE 3002.1  
AND MOTION FOR AN ORDER DECLARING §1322(b)(5) CLAIM CURRENT AND DEFAULTS CURED**

The Trustee has filed a Notice of Final Cure Payment pursuant to Rule 3002.1., F.R.B.P. and has also filed a Motion for Order Declaring a §1322(b)(5) Claim Current and All Defaults Cured. A copy of the Notice and Motion is attached.

**YOUR RIGHTS MAY BE AFFECTED BY THE NOTICE AND MOTION.** You are required to file a Statement indicating whether you agree with the Trustee's Notice. If you do not agree with the Trustee's Notice of Final Cure Payment, then on or before 08/14/13, you or your attorney must file a statement as a supplement to the Proof of Claim as required under Rule 3002 .1(g) that you do not agree with the Trustee's notice. This statement must itemize any amounts that you contend remain unpaid or are not current as of the date of the statement . If you file a statement that you disagree with the Trustee's Notice of Final Cure Payment, the Trustee's Motion will be set for hearing . That hearing will be held on 09/04/13. This will be treated as an objection to the Trustee's Motion.

**PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. THE STATEMENT YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <https://ecf.tnmb.uscourts.gov>. You must also mail a copy of your response or objection to:**

HOWARD WAYNE FINCH & SHARON KAY FINCH 6516 LONGVIEW DRIVE, MURFREESBORO, TN 37129;

ATTORNEY FOR THE DEBTOR:

CLARK AND WASHINGTON PC 237 French Landing Dr, Nashville, TN 37228;

CHAPTER 13 TRUSTEE P O BOX 340019, NASHVILLE, TN 37203;

UNITED STATES TRUSTEE CUSTOMS HOUSE, ROOM 318, NASHVILLE TN 37203;

NATIONSTAR MORTGAGE P O BOX 829009, DALLAS, TX 75382-9009;

NATIONSTAR MORTGAGE 350 HIGHLAND DR, LEWISVILLE, TX 75067

NATIONSTAR MORTGAGE % WILSON & ASSOCIATES, 1521 MERRILL DR SUITE D-220, LITTLE ROCK, AR 72211;

NATIONSTAR MORTGAGE LLC, c/o CORPORATION SERVICE COMPANY, 2908 POSTON AVE, NASHVILLE, TN 37203;

If you file a statement that you do not agree with the Trustee's Notice before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by calling the Clerk's office at 615-736-5584 or viewing the case on the Court's web site at <[www.tnmb.uscourts.gov](http://www.tnmb.uscourts.gov)>.

If you do not file a statement as a supplement to the Proof of Claim that you DO NOT agree with the Trustee's Notice of Final Cure Payment, or you file a statement as a supplement to the Proof of Claim that you agree with the Trustee's Notice of Final Cure Payment, the Trustee will submit the attached Proposed Order for entry.

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
[pleadings@ch13nsh.com](mailto:pleadings@ch13nsh.com)

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FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:  
HOWARD WAYNE FINCH  
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SSN XXX-XX-1677      SSN XXX-XX-9699

08-05983-KL3-13  
JUDGE KEITH M LUNDIN  
7/24/2013

**TRUSTEE'S NOTICE OF FINAL CURE PAYMENT AND  
MOTION FOR AN ORDER DECLARING §1322(b)(5) CLAIM CURRENT AND DEFAULTS CURED**

Pursuant to Rule 3002.1(f) the Trustee has filed a Notice of Final Cure Payment and has requested an Order declaring that the §1322(b)(5) claim is current and all defaults have been cured.

**NATIONSTAR MORTGAGE  
350 HIGHLAND DR  
LEWISVILLE, TX 75067**

**FINAL CURE AMOUNT: (PREPETITION DEFAULT)**

Court Claim Number	2	Trustee's Claim Number	5
Account Number	xxxxxx4406		
Universal Claim Identifier			
Claim Asserted	\$23,604.78		
Claim Allowed	\$25,630.40		
Amount Paid By Trustee	\$25,630.40		

**MONTHLY ONGOING MORTGAGE PAYMENTS**

The Trustee has made post-petition payments to the creditor ("conduit"). The Trustee's records demonstrate that all post-petition payments have been made through the payment for **July 2013**. Attached to this Notice and Motion, is an accounting of all payments made by the Trustee on the post-confirmation "conduit" payments. The totals are listed below:

Court's Claim Number	2	Trustee's Claim Number	4
<b>Post Petition</b>			
Date of Claim	Jul 22, 2008		
Date of 1st Payment	September 30, 2008 for month Oct 2008		
Post Confirmation Payments	\$58,742.98		
Date of Last Payment	Jun 30, 2013 for month Jul 2013		

The trustee will continue to make ongoing mortgage payments for subsequent months pending the resolution of this matter .

Within 21 days of the service of the Notice of Final Cure Payment, the creditor MUST file and serve a statement indicating 1 ) whether it agrees that the default has been cured and 2 ) whether consistent with §1322(b)(2), the post-confirmation payments are current. If applicable, the statement shall itemize any required cure or post-confirmation amounts that the creditor contends remain unpaid as of the date of the statement. The statement shall be filed as a supplement to the proof of claim.

This notice shall also constitute a motion by the Trustee for an order finding that the default has been cured and the post-confirmation payments are current. If the creditor files a notice that it agrees that the default has been cured and it agrees that the post-confirmation payments have been paid, the Trustee will submit an order finding that the default has been cured and the post-confirmation payments are current.

If the creditor files a statement that it disagrees with the Trustee's Notice and Motion of Final Cure Payment, the Trustee shall submit an order where the Court shall fix a hearing, establishing date, time and location, as required pursuant to Rule 3002.1 (h).

Dated: 7/24/2013

Respectfully Submitted By:

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
pleadings@ch13nsh.com

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#### CERTIFICATE OF SERVICE

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I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service, postage prepaid on HOWARD WAYNE FINCH & SHARON KAY FINCH, 6516 Longview Drive, Murfreesboro, TN 37129; and NATIONSTAR MORTGAGE 350 HIGHLAND DR, LEWISVILLE, TX 75067 NATIONSTAR MORTGAGE P O BOX 829009, DALLAS, TX 75382-9009; NATIONSTAR MORTGAGE % WILSON & ASSOCIATES, 1521 MERRILL DR SUITE D-220, LITTLE ROCK, AR 72211; NATIONSTAR MORTGAGE LLC, c/o CORPORATION SERVICE COMPANY, 2908 POSTON AVE, NASHVILLE, TN 37203; on 07/24/13 and electronically noticed to CLARK AND WASHINGTON PC, and Ms Beth R Derrick, Assistant US Trustee, pursuant to Court's ECF delivery.

/s/Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
Standing Chapter 13 Trustee

### EXHIBIT TO PARAGRAPH 3 OF TRUSTEES MOTION

HOWARD WAYNE FINCH  
SHARON KAY FINCH

08-05983-KL3-13

### PAYMENTS ON CONTINUING POST PETITION MORTGAGE OBLIGATION

Date of Payment	Creditor Name	Check Number	Amount
09/30/2008	NATIONSTAR MORTGAGE	2746406	\$1012.81
10/31/2008	NATIONSTAR MORTGAGE	2755313	\$1012.81
11/30/2008	NATIONSTAR MORTGAGE	2763815	\$1012.81
12/31/2008	NATIONSTAR MORTGAGE	2772770	\$1012.81
01/31/2009	NATIONSTAR MORTGAGE	2781692	\$1012.81
02/28/2009	NATIONSTAR MORTGAGE	2790348	\$1012.81
03/31/2009	NATIONSTAR MORTGAGE	2799378	\$1012.81
04/30/2009	NATIONSTAR MORTGAGE	2808398	\$1012.81
05/31/2009	NATIONSTAR MORTGAGE	2817286	\$1012.81
06/30/2009	NATIONSTAR MORTGAGE	2826401	\$1012.81
07/31/2009	NATIONSTAR MORTGAGE	2835600	\$1012.81
08/31/2009	NATIONSTAR MORTGAGE	2844669	\$1012.81
09/30/2009	NATIONSTAR MORTGAGE	2853745	\$1012.81
10/31/2009	NATIONSTAR MORTGAGE	2862823	\$1012.81
11/30/2009	NATIONSTAR MORTGAGE	2871991	\$1012.81
12/31/2009	NATIONSTAR MORTGAGE	2881420	\$1012.81
01/31/2010	NATIONSTAR MORTGAGE	2890555	\$1012.81
02/28/2010	NATIONSTAR MORTGAGE	2899712	\$2025.62
03/31/2010	NATIONSTAR MORTGAGE	2909346	\$1012.81
04/30/2010	NATIONSTAR MORTGAGE	2918860	\$1012.81
05/31/2010	NATIONSTAR MORTGAGE	2927996	\$1012.81
06/30/2010	NATIONSTAR MORTGAGE	2937450	\$1012.81
07/31/2010	NATIONSTAR MORTGAGE	2946615	\$1012.81
08/31/2010	NATIONSTAR MORTGAGE	2956156	\$1012.81
09/30/2010	NATIONSTAR MORTGAGE	2965530	\$1012.81
10/31/2010	NATIONSTAR MORTGAGE	2974771	\$1012.81
11/30/2010	NATIONSTAR MORTGAGE	2984067	\$1012.81
12/31/2010	NATIONSTAR MORTGAGE	2993316	\$1012.81
01/31/2011	NATIONSTAR MORTGAGE	3002437	\$1012.81
03/31/2011	NATIONSTAR MORTGAGE	3020809	\$2025.62
04/30/2011	NATIONSTAR MORTGAGE	3030054	\$1012.81
05/31/2011	NATIONSTAR MORTGAGE	3039540	\$1012.81
06/30/2011	NATIONSTAR MORTGAGE	3049026	\$1012.81
07/31/2011	NATIONSTAR MORTGAGE	3058452	\$1012.81
08/31/2011	NATIONSTAR MORTGAGE	3068116	\$1012.81
09/30/2011	NATIONSTAR MORTGAGE	3077742	\$1012.81
10/31/2011	NATIONSTAR MORTGAGE	3087471	\$1012.81
11/30/2011	NATIONSTAR MORTGAGE	3096973	\$1012.81
12/31/2011	NATIONSTAR MORTGAGE	3106596	\$1012.81
01/31/2012	NATIONSTAR MORTGAGE	3116379	\$1012.81
02/29/2012	NATIONSTAR MORTGAGE	3126050	\$1012.81
03/31/2012	NATIONSTAR MORTGAGE	3135851	\$1012.81
04/30/2012	NATIONSTAR MORTGAGE	3145813	\$1012.81
05/31/2012	NATIONSTAR MORTGAGE	3155680	\$1012.81

07/31/2012	NATIONSTAR MORTGAGE	3175233	\$1012.81
08/31/2012	NATIONSTAR MORTGAGE	3185007	\$1012.81
09/30/2012	NATIONSTAR MORTGAGE	3194473	\$1012.81
10/31/2012	NATIONSTAR MORTGAGE	3204372	\$1012.81
11/30/2012	NATIONSTAR MORTGAGE	3214061	\$1012.81
12/31/2012	NATIONSTAR MORTGAGE	3223801	\$1012.81
01/31/2013	NATIONSTAR MORTGAGE	3233499	\$1012.81
02/28/2013	NATIONSTAR MORTGAGE	3242963	\$1012.81
03/31/2013	NATIONSTAR MORTGAGE	3254103	\$1012.81
04/30/2013	NATIONSTAR MORTGAGE	3264286	\$1012.81
05/31/2013	NATIONSTAR MORTGAGE	3273954	\$1012.81
06/30/2013	NATIONSTAR MORTGAGE	3283554	\$1012.81
	Total of Continuing Payments		\$58742.98

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SSN XXX-XX-1677      SSN XXX-XX-9699      CASE 08-05983-KL3-13

**ORDER ESTABLISHING THAT PRECONFIRMATION DEFAULT HAS BEEN CURED AND THAT LONG TERM DEBT TREATED PER §1322(b)(5) IS CURRENT AFTER STATEMENT OF AGREEMENT OR NO RESPONSE**

It appearing to the Court, based upon the certification of the Trustee, as indicated by his electronic signature below, that the Trustee has filed a Notice of Final Cure Payment and has filed a motion requesting an order of the Court finding that the Notice of Final Cure Payment is accurate, the long term debt is current and all defaults have been cured; and that notice of the Trustee's request and an accounting of payments made by the Trustee was mailed to the debtor, debtor(s') counsel and the below listed creditors and that either no objection to the Trustee's request was raised, or a Statement was filed agreeing with the Trustee's Notice of Final Cure, it is

**ORDERED**, that the §1322(b)(5) claim listed below shall be deemed current and that all defaults in the claim(s) shall be deemed cured:

**NATIONSTAR MORTGAGE  
350 HIGHLAND DR  
LEWISVILLE, TX 75067**

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<b>Post Confirmation Payments</b>	<b>\$58,742.98</b>		
<b>Date of Last Payment</b>	<b>Jun 30, 2013 for month Jul 2013</b>		

The trustee will continue to make ongoing mortgage payments for subsequent months pending the resolution of this matter .

**ORDERED**, That this declaration that the long term obligation is current is made as of this date: **July 2013**

This order was signed and entered electronically  
as indicated at the top of the first page.

APPROVED BY:

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
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